

Appendix C

Eastbourne Borough Council

Anti-social Behaviour, Crime and Policing Act 2014, Part 4, Chapter 2

Eastbourne Public Spaces Protection Order (Dog Fouling) 2017

Eastbourne Borough Council (“the Council”), in exercise of its power under section 59(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied that the conditions set out in section 59(2)-(3) of the Act have been met, and having complied with the requirements of section 72 of the Act, makes the following public spaces protection order (the “Order”):

1. This Order shall be known as the Eastbourne Public Spaces Protection Order (Dog Fouling) 2017.
2. The Order shall come into force on [date] and shall have effect for a period of 3 years unless extended pursuant to section 60 of the Act.
3. This Order applies to the whole of the administrative area of the Council (“the Restricted Area”).
4. BY THIS ORDER:

If within the Restricted Area a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
 - a) he has reasonable excuse for failing to do so; or
 - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
5. This Order shall not apply to a person who:-
 - a) is registered as a blind person in a register compiled under section 29 of National Assistance Act 1948; or
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance or;
 - c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity upon which he relies for assistance.

Appendix C

6. For the purpose of this Order:-
- a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land;
 - being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
 - each of the following is a “prescribed charity”:
 - Dogs for Good (registered charity number 700454)
 - Support Dogs Limited (registered charity number 1088281)
 - Canine Partners (registered charity number 803680)
7. A person guilty of an offence under paragraph 4 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
8. If any person who lives in or regularly works or visits the Restricted Area wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

GIVEN under the COMMON SEAL of EASTBOURNE BOROUGH COUNCIL this [date] in pursuance of a resolution of the Council passed on [date]

THE COMMON SEAL OF
EASTBOURNE BOROUGH COUNCIL
was hereunto affixed in the presence
of:-

Authorised signatory